

**CHIROPRACTIC EXAMINING BOARD
MADISON, WI
MINUTES
THURSDAY, APRIL 17, 2003**

PRESENT: Steven Conway, Susan Feith; Brouck Sleight, D.C., James Rosemeyer, D.C., James Weber, D.C.

EXCUSED: Char Glocke

STAFF PRESENT: Kimberly Nania, Bureau Director; John Schweitzer, Legal Counsel; Gina York, Minute Taker; Barb Showers, Education & Exam Office; Gail Pizarro, Exam Specialist; Lydia Bridge, Program Assistant; and DOE Staff

GUESTS: Bill Boissonnenlt, WPTA and Russ Leonard, WCA

CALL TO ORDER

James Rosemeyer, Chair, called the meeting to order at 8:00 a.m.

AGENDA

Addendums to the Agenda:

- Add under Closed Session: Item Ii. Kenneth Zelm, Application Review
- Add under Item C: Discussion with Exam Office
- Add under Other Business: SEMG Course
- Add under Closed Session: CE Requirements/Compliance

MOTION: Susan Feith moved, seconded by James Weber, to approve the agenda as revised. Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 20, 2003

Amendments to the Minutes:

- Page 2: Delete sentence with false advertisement.
- Page 3: In first Header: change “principle” to “principal”
- Page 4: Under Chiropractic Definitions: delete words “on their meeting” and insert “no meeting was held”

MOTION: Steven Conway moved, seconded by James Weber, to approve the minutes of March 20, 2003 as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Kimberly Nania informed the Board of the latest DRL information regarding staffing and budget issues. The Board roster was reviewed and there were not changes at this time.

PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA

There were no stipulations before the Board at this time.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Noted.

STATUS OF CONTINUING EDUCATION HOURS UNDER HIPAA

Gail Pizarro presented to the Board information requested at their March 20, 2003 meeting disallowing all continuing education hours offered after January 1, 2003, on HIPPA due to state rules. Ms. Pizarro provided a chart showing CE Hours and the dates disallowed. Further updates will be provided at the May meeting.

DISCUSSION WITH EXAM OFFICE

Barbara Showers reviewed the response by licensees to the CE audit. A sampling of 150 licensees was audited. The Board considered the merits of each licensee on a case by case basis. The Board discussed various options for dealing with audited licensees who erroneously indicated they had fulfilled their CE requirements. The Board will send licensees who have not properly fulfilled their CE requirements or not responded by the April 25, 2003 deadline to the Department's Division of Enforcement. The Board requested that non-compliant licensees from the audit should cease and desist practice for 10 calendar days and to provide a minimum of ten additional hours or five times the number of missing credits, whichever is greater, to come into compliance and to be completed during the current calendar year, by December 31, 2003, and to provide documentation to the Department of Regulation and Licensing that CE requirements have been completed. John Schweitzer, Legal Counsel will draft a letter which will include the specific rule language and expectations by the Board and present it to DOE for use as a notice letter to licensees who are non-compliant with the CE requirements.

UPDATE ON CURRENT STATUS OF PART IV ISSUE

Legal Counsel, John Schweitzer, do a letter after the meeting today in response to WCA regarding the Board's decision to replace the Wisconsin Licensing Exam with the National Part IV Exam.

CHIROPRACTIC DEFINITIONS – REPORT FROM JAMES ROSEMeyer AND STEVEN CONWAY

James Rosemeyer and Steven Conway reported Russ Leonard and the WCA Board is not interested in meeting regarding Chiropractic definitions.

REVIEW REQUESTS FOR PRECEPTOR APPROVALS

MOTION: Steven Conway moved, seconded by Susan Feith, to accept Gregory Nystrom and Robert Servais as preceptors. Motion carried unanimously.

PRECEPTOR APPROVAL FOR REQUESTS RECEIVED AFTER THE PRINTING OF THE AGENDA

None.

CORRESPONDENCE D.G KENNY, DC – REGARDING DUTY TO REFER

There was no action required by the Board.

DISCUSSION OF REVIEW OF DRAFT RULE RELATING TO UTILIZATION REVIEW

This topic will be reviewed at the next Board meeting.

DISCUSSION OF ELECTRO DIAGNOSTIC EVALUATION PROCEDURE AND LASER TECHNIQUES

Brouck Sleight updated the Board on Electro Diagnostic Evaluation. Dr. Sleight had a demonstration by Neurometrics Company in his office involving nerve conduction studies which are transmitted to the company's main center and the results are transmitted back to the doctor's office for consultation with the patient. Dr. Brouck Sleight will gather information from Othorpedics who use this technique and what is the amount of training needed. Contacts suggested were ACA and the Fred Carrick Institute.

Steven Conway reported to the Board information regarding the Laser techniques.

The Board had some concerns and questions regarding the Surface EMG Training Seminar being offered by the Palmer College. Dr. Rosemeyer will contact Palmer College and report back to the Board at the May meeting.

A discussion ensued regarding keeping a distinction between being an instructor and the selling of a product or equipment in which the individual may have a financial interest. The Board will discuss this topic further at the next Board meeting.

DISCUSSION OF NAET LED BY DR. WEBER

James Weber provided the Board with additional information he had gathered on the NAET technique.

MOTION: James Weber moved, seconded by Steven Conway the Board finds that NAET is not within the scope of chiropractic because of the use of vials infused with “frequencies” is an ineffective diagnostic technique and because NAET claims to include psychological treatment. Motion carried unanimously.

The billing of these types of treatments are being done by using the alternative methods codes.

REVIEW OF RULES BY DR. CONWAY AND LEGAL COUNSEL (ONGOING)

At the Boards May meeting John Schweitzer, Legal Counsel and Steven Conway will share new changes along with a copy of the old rules for comparison.

CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL

John Schweitzer, Legal Counsel reviewed correspondence with the Board and will respond to NBCE survey regarding the interest in a written Ethics and Boundaries examination; and the letter from Jamie Key, Insurance Examiner from the Bureau of Marketing Regulation regarding fee increases on the fifth treatment, and a question regarding trigger point injections, on behalf of the Board.

CLOSED SESSION

MOTION: Steven Conway moved, seconded by Brouck Sleight, to adjourn to closed session pursuant to Wisconsin State statutes 19.85(1)(a)(b)(f) and (g) to deliberate on request for termination of suspension, request for approval of evaluator and mentor, orders fixing costs, Division of Enforcement case status reports and to consult with legal counsel. Motion carried by roll call vote: Steven Conway -yes; Susan Feith-yes; Brouck Sleight, D.C. -yes; James Rosemeyer, D.C. -yes; James Weber, D.C.-yes

Open Session recessed at 10:20 a.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Steven Conway moved, seconded by James Weber, to reconvene into Open Session at 1:34 p.m. Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED
SESSION, IF VOTING IS APPROPRIATE**

MONITORING FULL LICENSURE FOR LEIF HELLING

No action was needed by the Board for Monitoring.

APPLICATION REVIEW: ENDORSEMENT

ROBERT MC CLELLAND, D.C.

MOTION: James Weber moved, seconded by Susan Feith, to approve the application for endorsement for Dr. Robert McClelland, D.C. Motion carried unanimously.

DANIEL HIRSSIG, D.C.

MOTION: Steven Conway moved, seconded by James Weber, that Daniel Hirssig, D.C. is not eligible for endorsement because he has not practiced at least 24 hours per week for the three out of the last five years, but can reapply by regular application. Motion carried unanimously.

KENNETH ZELM, D.C.

MOTION: Steven Conway moved, seconded by Susan Feith, to deny the application for endorsement of Kenneth Zelm, D.C. because of the lack of college credits. Motion carried unanimously.

APPLICATION REVIEW: REINSTATEMENT

TODD OEHRLEIN, D.C.

MOTION: James Weber moved, seconded by Susan Feith, to approve the application for reinstatement of Dr. Todd Oehrlein, D.C. and require him to take the Spec Exam. Motion carried unanimously.

DIVISION OF ENFORCEMENT – CASE STATUS

MOTION: Steven Conway moved, seconded by Susan Feith, to close case **02 CHI 062** for administrative closure. Motion carried unanimously.

MOTION: James Weber moved, seconded by Susan Feith, to close case **02 CHI 061** for prosecutorial discretion (PD). Motion carried unanimously.

CONSULT WITH LEGAL COUNSEL

The Board consulted with Legal Counsel as required.

INFORMATIONAL ITEMS

The Board will reviewed information received from Ann M. Bell, D.C regarding the FDA Study for the treatment of pain using the pulsed electromagnetic device know as PAP-IMI and will discuss this topic at the May Board meeting.

ADJOURNMENT

MOTION: Susan Feith moved, seconded by Steven Conway, to adjourn the meeting at 1:39 p.m. Motion carried unanimously.

Next Meeting:
Thursday, May 15, 2003
Start 8:00am
Room 179A